

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOUIS ANDREW DIDONNA,

Plaintiff,

v.

HAROLD L. SMITH, *et al.*,

Defendants.

No. 22-CV-6107 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

On January 23, 2025, the Court directed Plaintiff to file a Third Amended Complaint “that includes all factual allegations, defendants, and claims that Plaintiff wishes to assert.” (*See* Dkt. No. 51 at 2.) The Court will construe Plaintiff’s filing at Dkt. No. 53 as Plaintiff’s Third Amended Complaint.

Plaintiff lists the following individuals as defendants in the Third Amended Complaint: Harold Smith; Lieutenant Bini; Deputy Fancher; Deputy Lawrence; Head Nurse Wendy Moore; Nurse Santini; Sullivan County New York; Sullivan County Jail; Prime Care Medical, Inc.; Nurse Kim; Nurse Lynn Elkins; Nurse Christine Bermington; Nurse Anderson; Sgt. Robert W. Mass; Connor Stewart; Kyle Farrand; Deputy Skow; and Constable Ketchem. Harold Smith, Deputy Fancher, and Sullivan County have already been served and have appeared. (*See generally* Dkt.) The Court notes that Sullivan County Jail has been terminated from this Action. (*See* Dkt. No. 11 at 3–4.)

Plaintiff provides service addresses for Defendants in the Third Amended Complaint, but many are duplicative of addresses Plaintiff provided in his original Complaint, pursuant to which the U.S. Marshals unsuccessfully attempted service. (*See, e.g.*, Dkt. Nos. 17–19.) Under

Valentin v. Dinkins, 1 F.3d 72, 76 (2d Cir. 1997), a pro se litigant is entitled to assistance from the Court in ascertaining an unidentified defendant's identity and a defendant's proper service address, *see id.* at 76. In light of *Valentin* and the solicitude shown pro se plaintiffs, the Court determines that it is necessary for responsible entities to provide accurate service addresses. In the Third Amended Complaint, Plaintiff supplies sufficient information for the Sullivan County Attorney to provide the service addresses for Lieutenant Bini, Deputy Lawrence, Head Nurse Wendy Moore, Nurse Santini, PrimeCare Medical, Inc., Nurse Kim, Nurse Lynn Elkins, Nurse Christine Bermington, Nurse Anderson, Deputy Skow, and Constable Ketchem, and for the New York Attorney General to provide the service addresses for Sgt. Robert W. Mass, Connor Stewart, and Kyle Ferrand.¹ The Sullivan County Attorney and Attorney General must provide this information to the Court and to Plaintiff within 60 days of the date of this Order.

The Court respectfully directs the Clerk of Court to mail a copy of this Order and a copy of the Third Amended Complaint (Dkt. No. 53) to the Attorney General of the State of New York, at 28 Liberty Street, New York, New York 10005, and to the Sullivan County Attorney, at 100 North Street, P.O. Box 5012, Monticello, NY 12701.

SO ORDERED.

Dated: May 22, 2025
White Plains, New York



KENNETH M. KARAS
United States District Judge

¹ The Court notes that Defendant Harold Smith accepted service on behalf of PrimeCare on August 19, 2022. (*See* Dkt. No. 22.) To date, PrimeCare has not appeared in this Action. (*See generally* Dkt.) Accordingly, in an abundance of caution, the Court directs the Sullivan County Attorney to provide a service address for PrimeCare.